UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,017	05/24/2006	Marian Trinkel	2345/231	6053

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EXAMINER
BROCKMAN, ANGEL T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>13-24</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>13-24</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>27 December 2005</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☒ All   b)☐ Some *   c)☐ None of:
         1.☒ Certified copies of the priority documents have been received.
         2.☐ Certified copies of the priority documents have been received in Application No. _____.
         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the actual organization of the telecommunication network or flow of the switching must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness
>   or nonobviousness.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 13-20 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Segev et al.(US 2003/0133407 A1, hereinafter Segev) in view of Slater et al.(US 2004/0010588

A1, hereinafter Slater)

Regarding **claim 13**, Segev discloses A method for operating and/or organizing at least

one telecommunication network, software for organizing and/or implementing the switching of

telecommunication connections and/or services running in a central server of the at least one

telecommunication network, wherein, in the event of insufficient switching capacity of the

network-internal switching centers, , and/or is activated therein at least intermittently, in

particular in order to increase the switching capacity.(figure 3, ¶[0039]). Segev does suggest that

some copying of software occurs (¶[0094]). Segev does not explicitly teach software is at least

intermittently transmitted to at least one additional server of at least one additional selectable

telecommunication network. Slater discloses copying software to at least one

server(¶[0033],¶[0035],¶[0434], ¶0124]). Thus, it would have been obvious to one of ordinary

skill in the art at the time of invention to utilize the system as disclosed by Segev along with the

software transmission as disclosed by Slater. The software copying as disclosed by Slater can be

implemented into the system as disclosed by Segev through software implementation. The

motivation for utilizing the software copying technique as disclosed by Slater in the system as

disclosed by Segev is to provide applications to the next server so that the communication will be

uninterrupted.

Regarding **claim 14**, Segev discloses wherein software is running on a plurality of servers

of different telecommunication networks simultaneously, or software is running only on one

server of a selected telecommunication network having sufficient switching capacity(.

Regarding **claim 15**, Segev discloses wherein, prior to the transmission/activation of

software in a telecommunication network, its activity and/or the available switching

capacities are/is queried(¶[0017]-¶[0018]).

Regarding **claim 16**, Segev discloses wherein the selection of at least one among a plurality of telecommunication networks is implemented according to the available switching capacity and/or according to a quota/priority key.(¶[0094], where the status information and overload state is the available switching capacity,¶[0014], and the voice grade includes the quota/priority key).

Regarding **claim 17**, Segev discloses wherein for transmission/activation of software, at least one software package is transmitted to at least one telecommunication network, by which software that is specific to the switching center is transmitted or by which software available in the switching center is activated (¶[0094], where software is available at the switching center is received and copied which is activated upon transmission).

Regarding **claim 18**,Segev discloses the software includes a list of network addresses to be triggered (¶[0094]). Segev does not disclose wherein a software package is a program or macro that continually retransmits itself . Slater discloses the software is a program that continually retransmits itself(¶[00119], ¶[0123]-¶[0124] , where the server includes self-monitoring software that would cause it to retransmit if necessary). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the self retransmission ability of the server as disclosed by Slater in the system of Segev. The LEC's as disclosed by Segev can be implemented with the functionality of the servers as disclosed by Slater through software. The motivation for utilizing the server functionality as disclosed by Slater in the system as disclosed by Segev is to increase the capability and efficiency of the network.

Regarding **claim 19**, Segev discloses wherein a number of software packages that

corresponds to the number of the required switching centers is transmitted in order to obtain a

required switching capacity, each software package implementing precisely one software

transmission/activation, in particular

Regarding **claim 20**, Slater discloses following a period of time, a de-

installation/deactivation of the software in no longer required switching centers is

implemented, in particular automatically or by renewed transmission of a software

package(¶[0143]).

Regarding **claim 23,** Slater discloses wherein software for implementing switching

operations accesses a portability database having network-spanning network identification

codes, and/or having access to a database of a selected telecommunication network

Regarding **claim 24,** Segev discloses a system, in particular for executing a method as

recited in one of the preceding claims, which includes a telecommunication network having a

server on which software for implementing and/or organizing switching operations is running,

wherein, in the event of insufficient switching capacity of the switching centers of the own

network, the software is transmittable, at least intermittently, to at least one additional server

of at least one additional selectable telecommunication network, or software available on

such a server is activatable at least intermittently to increase the switching capacity figure 3,

¶[0039]). Segev does suggest that some copying of software occurs (¶[0094]). Segev does not

explicitly teach software is at least intermittently transmitted to at least one additional server of

at least one additional selectable telecommunication network. Slater discloses copying software

to at least one server(¶[0033],¶[0035],¶[0434], ¶0124]). Thus, it would have been obvious to one

of ordinary skill in the art at the time of invention to utilize the system as disclosed by Segev

along with the software transmission as disclosed by Slater. The software copying as disclosed

by Slater can be implemented into the system as disclosed by Segev through software

implementation. The motivation for utilizing the software copying technique as disclosed by

Slater in the system as disclosed by Segev is to provide applications to the next server so that the

communication

5.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segev et al.(US

2003/0133407 A1, hereinafter Segev) and Slater et al. (US 2004/0010588 A1, hereinafter Slater)

in view of Grube et al.(US 6,885,874 B2, hereinafter Grube).

Regarding **claim 21,** Segev and Slater disclose all subject matter of the claimed invention

as cited above in claim 13. Segev and Slater do not disclose software implements an automatic

notification of at least one group of people of the population, in particular for an alert in

dangerous situations, via a fixed network telephone, mobile telephone, the Internet, e-mail,

web radio, in particular. However, it is well known in the art to utilize software for notifying a

group of people as disclosed by Grube in (column 3, lines 1-15, column 5, lines 1-45, figure 1).

Thus, it would have been obvious to one of ordinary skill in the art to utilize the system as

disclosed by Segev and Slater along with the group notification as disclosed by Grube. The

system as disclosed by Segev and Slater can be manipulated through software and hardware to

include the group notification functionality as disclosed by Grube. The motivation for utilizing

the group notification functionality in the system as disclosed by Grube is to provide reliable

communication in the event of an emergency.

6.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Segev et al.(US

2003/0133407 A1, hereinafter Segev) and Slater et al. (US 2004/0010588 A1, hereinafter Slater)

in view of Doyle et al.(US 6,128,738, hereinafter Doyle).

        Regarding **claim 22,** Segev and Slater disclose all subject matter of the claimed invention

as cited above in claim 13.Segev and Slater do not disclose wherein, at least prior to a

transmission, software runs in a server of a certified trust center. However it is well known in the

art to utilize certification software as a measure for "building trust" as disclosed by Doyle in

column 2, lines 1-9).Thus, it would have been obvious to one of ordinary skill in the art at the

time of invention to utilize the software for building trust as disclosed by Doyle along with the

system as disclosed by Segev and Slater. The software for building trust can be implemented into

the system of Segev and Slater through software and hardware implementation. The motivation

for utilizing the software for building trust as disclosed by Doyle along with the system as

disclosed by Segev and Slater is to protect the security and contents of the network.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANGEL BROCKMAN
Examiner
Art Unit 2416

/A. B./
Examiner, Art Unit 2416
/Derrick W Ferris/
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